IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 58355-M of 2006

DATE OF DECISION : 19.01.2007

Smt. Sudesh Malik

.... PETITIONER

Versus

Baljeet Singh and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Gaurav S. Hooda, Advocate,
for the petitioner.

None for respondent No.1.

Mr. Partap Singh, Senior DAG, Haryana.

The petitioner, apprehending her arrest in a non-bailable offence, in pursuance of the the summoning order under Section 3 (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 341 and 506 IPC, passed by Judicial Magistrate Ist Class, Hisar, in criminal complaint No. 84-1/05 dated 4.6.2005, has filed this petition under Section 438 Cr.P.C for the grant of anticipatory bail.

On January 12, 2007, Mr. Shailender Mohan, Advocate, had put in appearance on behalf of respondent No.1 and sought time to argue the case. Today, no body is present on behalf of respondent No.1.

I have heard counsel for the petitioner and Mr. Partap Singh, Senior DAG, Haryana, and have gone through the complaint.

Counsel for the petitioner contends that vide order dated 13.5.2006, copy of which has been annexed with the petition as Annexure P-11, the petitioner has been summoned in the aforesaid complaint filed by respondent No.1. He further contends that earlier to the said complaint, respondent No.1 made similar complaint on the same allegations to the

Commissioner, Hisar Division, Hisar, copy of which has been annexed as Annexure P-5, which was duly inquired into by the police and on investigation, the allegations were found to be false. Counsel for the petitioner further contends that due to the fact that the petitioner had made a complaint about raising of some construction in the street and in this regard, civil suit is already pending between the parties, the instant complaint has been filed by respondent no.1 totally on false facts, with an oblique motive. Counsel for the petitioner further states that in terms of the interim order dated September 29, 2006, the petitioner has appeared before the trial court and furnished her regular bail bonds in the presence of counsel for the complainant and the same have been accepted and attested and since then, she has been regularly appearing before the trial court. Counsel for the petitioner has filed certified copy of the order dated 7.11.2006, passed by the trial court, which is taken on record.

In view of the aforesaid facts, without commenting on the merits, the interim bail, granted vide order dated September 29, 2006, is made absolute.

Disposed of accordingly.

January 19, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**